

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL NO. 1:07CR117

UNITED STATES OF AMERICA

VS.

ROBERT KEITH ROSS

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ORDER

THIS MATTER is before the Court on Defendant's "Rebuttal of Order, dated April 9, 2009," which the Court construes as a motion for reconsideration of the Court's Order filed April 9, 2009, denying in part his motion for copies of case documents, including transcripts of various proceedings, at Government expense. Defendant also requests an evidentiary hearing and the appointment of counsel to assist him this effort.

There is nothing in the Defendant's "Rebuttal" that persuades the Court to reconsider or otherwise modify its previous Order denying the Defendant's request for documents and transcripts at Government expense. Additionally, there is no statutory authority that permits the Court to appoint counsel to assist the Defendant in such proceedings. **See**

generally, Pennsylvania v. Finley, 481 U.S. 551, 556-57 (1987). Nor is the Defendant entitled to an evidentiary hearing on these issues.

IT IS, THEREFORE, ORDERED that the Defendant's "Rebuttal of Order," construed as a motion for reconsideration, is hereby **DENIED**.

Signed: May 12, 2009

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

